APPENDIX "A"

Constitutional Provisions and Sections of Statutes Involved:

Section 12 of the Declaration of Rights of the Florida Constitution of A. D. 1885.

Section 12. No person shall be subject to be twice put in jeopardy for the same offense, or compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law * * *

Section 22 of the Declaration of Rights of the Florida Constitution of A. D. 1885.

Section 22. "The right of persons to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated, and no warrants issued, but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched and the person or persons, and thing or things to be seized".

Sections of Statutes Involved.

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated and no search warrant shall be issued except upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the person and thing to be seized (FS 933.04).

"The judge or magistrate must, before issuing the warrant have the application of some person for said warrant, duly sworn to and subscribed, and may receive further testimony from witnesses or supporting affidavits, or depositions in writing, to support the application. The affidavit and further proof, if same be had or required, must set forth the facts tending to establish the ground of the application or probable cause for believing that they exist" (FS 933.06).

"The judge or magistrate, upon examination of the application and proofs submitted, if satisfied that probable cause exists for the issuing of the search warrant, shall thereupon issue a search warrant signed by him with his

name of office, to any sheriff and his deputies or any constable, police officer or other person authorized by law to execute process, commanding the officer or person forthwith to search the property described in the warrant or the person named, for the property specified, and to bring the same before the magistrate or some other court having jurisdiction of the offense" (FS 933.07).

The Florida Criminal Procedure Act promulgates official forms for use in criminal cases, among which is an official form for a search warrant, which reads as follows:

"10. Affidavit for search warrant:

STATE OF FLORIDA,
——— County,
——— District.

Before the subscriber, a justice of the peace in and for said county, personally came A. B., who being duly sworn, says that on the —— day of —— A. D. — the following goods (here describe the goods particularly), were feloniously stolen, taken and carried away out of the house of the said A. B., in the county aforesaid, and that the said A. B. has probable cause to believe, and does believe, that the said goods, or part thereof, are concealed in the dwelling house of C. D., in said county and district.

Sworn to and subscribed before me this — day of —— A. D. 19—.

——————— (Seal)
Justice of the Peace.

(Sub. Sec. 10 of Sec. 279, of Florida Criminal Procedure Act, Annotated, by Adkins.)